



MINUTES

Wednesday, December 9, 2015 – 7:00 P.M.

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items:

- None

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

Chair Costa initiated the Pledge of Allegiance, and the Statement of Values was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chair Deborah Costa, Raj Chahal, Yuki Ikezi, Steve Kelly, Sudhanshu Jain, Michael O'Halloran, and Joe Sweeney.

Staff present were Director of Planning and Inspection Kevin Riley, Development Review Officer Gloria Sciara, Associate Planners Payal Bhagat, Yen Chen and Jeff Schwilk, Assistant City Attorney Alexander Abbe, and Office Specialist IV Megan Valenzuela.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chair Costa reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals - None
- B. Continuances without a hearing - None
- C. Exceptions (requests for agenda items to be taken out of order) - None

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

None

7. CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or

explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

7.A. Planning Commission Minutes of November 4, 2015

Motion/Action: The Commission motioned to approve the Planning Commission Minutes of November 4, 2015, unanimously (7-0-0-0).

7.B. File No.(s): **PLN2015-11498**
Location: 3175 Mission College Boulevard a 2,675 square foot tenant space within an existing commercial center on a 20.46 acre parcel, located on Mission College Boulevard and Highway 101 APN: 104-16-112; Property is zoned PD (Planned Development)
Applicant: Michael Burke
Owner: Lakha Properties
Request: **Use Permit** to allow expanded outdoor seating from 24 seats to 48 seats at an existing restaurant
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Gregory Qwan, Planning Intern II
Staff Recommendation: **Approve, subject to conditions**

The Commission inquired about the location of the bicycle rack required in the Conditions of Approval. Staff noted that the location need not be specified on the development plan, but that it will be verified through the plan check process prior to occupancy.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to approve the Use Permit for the property located at 3175 Mission College Boulevard unanimously (7-0-0-0).

7.C. File No.(s): **PLN2014-10631**
Location: 3970 Rivermark Plaza (Safeway) a 65,470 square foot building in an existing commercial center (Rivermark Plaza) on a 14.8 acre parcel, located at the southeast corner of Agnew Road and Harrigan Drive, APN: 097-08-105; property is zoned PD-MC (Planned Development-Master Community)
Applicant: Natalie Mattei for Safeway Inc.
Owner: RMV Holdings, L.P.
Request: **12-month review** of an approved Use Permit allowing the on-site tasting of alcoholic beverages (ABC type 86 license) in an existing grocery store
CEQA Determination: 12-month review is not a project under CEQA
Project Planner: Gregory Qwan, Planning Intern II
Staff Recommendation: **Note and file report**

Motion/Action: The Commission motioned to motioned to note and file the report for 3970 Rivermark Plaza unanimously (7-0-0-0).

7.D. File No.(s): **PLN2015-11355**
Location: 5237 Stevens Creek Boulevard, a 1,801 square foot tenant space on an 8.05 Acre site, located on the northeast corner of Stevens Creek Boulevard and Lawrence Expressway, APN: 296-18-056, property is zoned PD (Planned Development)

Applicant: Wendy Warren for Chromatic Coffee
 Owner: Dorcich-Vidovich Partnership
 Subject: **Use Permit** to allow beer and wine sale and service (ABC License Type 41), and 12 outdoor seats at an existing coffeehouse and café
(Continued from November 4, 2015 Planning Commission Meeting)
 CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
 Project Planner: Gregory Qwan, Planning Intern II
Staff Recommendation: **Approve**, subject to conditions

The Commission inquired about the location of the bicycle rack required in the Conditions of Approval. Staff noted that the location need not be specified on the development plan, but that it will be verified through the plan check process.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to approve the Use Permit for the property located at 5237 Stevens Creek Boulevard unanimously (7-0-0-0).

7.E. File No.(s): **PLN2015-11358**
 Location: 1055 Helen Avenue, a 10,117 square foot lot located on the west side of Helen Avenue approximately 300 feet north of El Camino Real, APN: 213-37-006; property is zoned Single Family Residential (R1-6L)
 Applicant: Antony Joma, Joma Studio Architects
 Owner: Mehdi Sadri
 Request: **Tentative Parcel Map** to create a five lot subdivision. The map is associated with a previously approved rezoning allowing construction of a four-unit attached townhome development. *(City Council approval on of File No. PLN2015-11111 on November 17, 2015)*
 CEQA Determination: Categorically exempt per Section 15332, Infill Development
 Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Recommend City Council Approval, subject to conditions**

The Commission inquired about the guest parking and driveway access. Staff noted that the Planned Development rezoning project was approved by the City Council in November and that the current application is only for a Tentative Subdivision Map related to the division of the parcel. It was further noted that the Conditions of Approval for the rezoning project were amended to include two guest parking spaces.

Antony Joma, applicant, clarified that the project does include a Declaration of Covenants, Conditions, and Restrictions (CC&Rs).

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to adopt a Resolution recommending that the City Council approve the Tentative Subdivision Map for the project located at 1055 Helen Avenue unanimously (7-0-0-0).

*******END OF CONSENT CALENDAR*******

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2015-11377**
 Location: 2277, 2265 El Camino Real and 1625 Los Padres Boulevard. Three parcels totaling an approximately 0.74 acre project site. The project site is located at the northeast corner of El Camino Real and Los Padres Boulevard and extends eastward along El Camino north along Los Padres approximately 130 feet in each direction APN(s): 224-15-034, 031, 017; the properties are zoned CT (Thoroughfare Commercial).

Applicant: Paul Bosman
Owner: Oakland Realty Loan Service, Inc.
Subject: **Use Permit** to allow a drive-thru proposed for a new 4,629 square foot multi-tenant commercial building (*Continued from November 4, 2015 Planning Commission Meeting*)
CEQA Determination: Categorical Exemption per section 15332, In-Fill Development Projects
Project Planner: Steve Le, Planning Intern II
Staff Recommendation: Continue to December 10, 2015

Motion/Action: The Commission motioned to continue the Public Hearing for the Use Permit date-certain to December 10, 2015, unanimously (7-0-0-0).

8.B. File No.(s): **PLN2015-11384 and CEQ2015-01199**
Location: 3535 Garrett Drive, a 5.69 acre parcel located at the intersection of Garrett Drive and Tannery Way. APN: 216-31-077; property is zoned Light Industrial (ML).
Applicant/Owner: Jane Vaughan, Menlo Equities
Request: **Variance** to allow an increase in the height of the proposed office building to up to 132 feet where 70 feet is allowed to facilitate the development of a 310,540 square foot office building; the provision of 1,035 parking spaces, and other onsite improvements; **Adoption of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP)**
CEQA Determination: Mitigated Negative Declaration
Project Planner: Payal Bhagat, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

Notice: Notice for Item 8.B. was posted and mailed to residents within 500 feet of the project site.

Discussion: Payal Bhagat gave a brief presentation on the project.

The Commission and staff discussed the proposal in context of the overall office complex, noting piecemeal property acquisition and minimal deviances to the Zoning Code standards as reasons contributing to the variance request.

The Commission inquired why the project has a Mitigated Negative Declaration (MND) and not an Environmental Impact Report (EIR). Staff noted that numerous factors contribute to the City's decision to pursue either an MND or EIR and that in this case, the site location combined with the ability to mitigate all impacts lead to the final decision to pursue an MND.

The Commission inquired about the City's Zoning Code update process. Staff noted that the update is underway and is anticipated to begin a public hearing process for review and adoption in late 2016.

The applicant, Jane Vaughan of Menlo Equities, gave a presentation on the project noting its featured tenants, clarifying the FAR of the site in context of the full office campus, and highlighting the outdoor amenities included on the campus. Ms. Vaughan introduced Tom Willow of Palo Alto Networks who spoke about the growth of Palo Alto Networks and the resulting needs to expand the corporate headquarters.

The Commission clarified that with the overall square footage associated with the office campus, the applicant has reduced the square footage of some buildings while increasing the square footage of others resulting in a balanced average across the campus.

The applicant noted that the Transportation Demand Management (TDM) plan includes a shuttle from the Lawrence Caltrain station to the project site, as well as a shared-bicycle program that allows employees to use bicycles to get to the Caltrain station during off-peak hours or other destinations. It was noted that the project entitlements include an annual review of the TDM program to verify it is meeting the minimum required

reduction of vehicle miles traveled.

The Commission discussed the Fair Share Fees associated with the project. The applicant noted that Fair Share Fees and traffic improvements were addressed in the initial phases of the office campus project.

The Commission inquired about electric vehicle charging station spaces. The applicant noted that the office campus as a whole reflects roughly 15-percent of all garage parking being used for electric vehicle charging. It was also noted that the bicycle parking standards from the City, VTA, and Leed standards had been met.

Shannon George, environmental consultant with David J. Powers and Associates, noted that the project is in compliance with the City's General Plan which had assumptions of this type of development and land use designation. Because of this, the project complies with the Urban Water Management Plan and Climate Action Plan. The net increase in traffic trips was studied and determined to not have a significant impact on existing conditions.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to adopt a Resolution to adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the project located at 3535 Garrett Drive unanimously (7-0-0-0).

Motion/Action: The Commission motioned to adopt a Resolution to approve the Variance for the project located at 3535 Garrett Drive unanimously (7-0-0-0).

8.C. File No.(s):	PLN2015-11152, PLN2015-11153, CEQ2015-01196
Location:	1525 Alviso Street a 2.097 acre site located on the east side of Alviso Street at the intersection of Civic Center Drive (APN's: 224-29-012, 224-29-032, 224-29-034).
Applicant/Owner:	City Ventures/Robin Lynn Kay
Request:	Rezone from Light Industrial (ML) to Planned Development (PD) to construct a 40-unit three-story townhome development project with associated on-site parking, private street site improvements and landscaping along with demolition of the existing structures and surface parking on the site; and Tentative Subdivision Map to create a single-lot condominium subdivision; Adoption of a Mitigated Negative Declaration.
CEQA Determination:	Mitigated Negative Declaration
Project Planner:	Jeff Schwilk, AICP, Associate Planner
Staff Recommendation:	Recommend City Council Approval, subject to conditions

Notice: Notice for Item 8.C. was posted and mailed to residents within 300 feet of the project site.

Discussion: Jeff Schwilk gave a brief presentation on the project.

The Commission clarified that the project will pay an in-lieu fee for park space.

Samantha Hauser of City Ventures, applicant, gave a presentation on the project highlighting its proximity to public transit, green measures, amenities, architectural design, and community garden.

The Commission stated appreciation for the quality and thoughtfulness of the project.

The Commission expressed concern for the pedestrian safety in the crosswalk of the De La Cruz ramp. Staff noted that this intersection was evaluated and determined safe by the City's Traffic Engineer.

The Commission inquired about the impact on the Santa Clara Unified School District. Staff noted that the

District issued a letter with concern about the safe paths to schools and requested that the City work with the District in designing a safe path to the local schools. Michelle Healey with the Santa Clara Unified School District stated that the District did not have concern about the student generation from the project and is pleased to know that the City will be developing the safe path to schools.

The Public Hearing was opened.

Michael Fisher, neighboring resident, stated support for the project.

Ginger Wilson, Santa Clara resident, expressed appreciation for redevelopment of the project site and support for the project.

Kevin Garvey, local broker, stated support for the project, noting the need for more quality housing in the area.

Kimmy Seaton, local broker, stated support for the project, noting the need for more quality housing in the area.

Linda Johnston, local real estate professional, expressed appreciation for the project design and stated her overall support for the project.

Dave Vierra, local resident, expressed appreciation and support for the project.

Sono Sing, local resident, expressed appreciation and support for the project.

The Public Hearing was closed.

The Commission inquired about project’s conformance with the General Plan. Staff noted that the Planned Development rezone aids the project in achieving substantial compliance with the General Plan, should the Commission agree with the facts and findings presented in the report.

The Commission stated appreciation for the project’s location and design, as well as the applicant’s outreach efforts during the planning process.

Motion/Action: The Commission motioned to adopt a Resolution to adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the project located at 1525 Alviso Street unanimously (7-0-0-0).

Motion/Action: The Commission motioned to adopt a Resolution to approve the Rezone from Light Industrial (ML) to Planned Development (PD) for the project located at 1525 Alviso Street unanimously (7-0-0-0) with the following added condition:

- 1) The applicant shall install a high visibility crosswalk and warning lights on the De La Cruz ramp for improved pedestrian safety.

Motion/Action: The Commission motioned to adopt a Resolution to approve the Tentative Subdivision Map for the project located at 1525 Alviso Street unanimously (7-0-0-0).

8.D. File No.(s):	PLN2015-10899, PLN2015-10900, PLN2015-10901, PLN2015-10902, CEQ2015-01186
Location:	2600-2610 Augustine Dr, 3300-3380 Montgomery Dr & 3265 Scott Blvd, 3283 Scott Blvd, 3255 Scott Blvd & 2500 Augustine Dr., 3303-3309 Octavius Dr & 3221-3233 Scott Blvd, 2620 Augustine Dr., 3230 Scott Blvd; 3236 Scott Blvd, a 33.4-acre site located on Scott Boulevard, between Bowers Avenue and San Tomas Aquino Creek; APNs: 216-45-023, 216-45-011, 216-45-022, 216-45-024, 216-45-028; 216-29-053; and 216-29-112; property is zoned Light Industrial (ML) and Planned

Applicant:	Development (PD)
Owner:	Carlene Matchniff, Irvine Company
Request:	Irvine Company
	Certify the Environmental Impact Report and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; General Plan Amendment to change the Light Industrial land use designation and Community Commercial land use designation totaling 7.2 acres to Regional Mixed Use, and to change the Light Industrial land use designation of the remaining 26.3 acres on four parcels to High Density Residential, and additionally, some portion of the project site will be reserved for public park or open space uses; Rezone from ML-Light Industrial and PD-Planned Development to PD-Planned Development, Vesting Tentative Parcel Map , and Development Agreement to allow construction of residential/mixed use development comprised of up to 1,800 apartment units, 40,000 gross square feet (gsf) of retail space, 4,500 gsf of leasing space, 38,000 gsf of amenity space, and includes a parking garage within each of the seven (7) apartment complexes.
CEQA Determination:	Environmental Impact Report (SCH#2015032075)
Project Planner:	Yen Han Chen, Associate Planner
Staff Recommendation:	Approve , subject to conditions

Notice: Notice for Item 8.D. was posted and mailed to residents within 500 feet of the project site. Commissioners Costa, O'Halloran, Chahal, Jain, and Sweeney disclosed meeting with the applicant. Commissioner Jain also disclosed that he submitted a comment letter on the project EIR.

Discussion: Yen Chen gave a brief presentation on the item.

The Commission clarified with staff that the General Plan Land Use designation for the site changes in the third phase of the General Plan; however, to comply with the current General Plan phase, an amendment is necessary to bring the project into compliance with the General Plan.

The Commission discussed the Development Agreement and the related timing and payment of development and school impact fees.

The Commission inquired about the timeframe for construction of the affordable units. Staff noted that per the Development Agreement, the applicant has three years to determine if the units will be on- or off-site.

The applicant, Carlene Matchniff of the Irvine Company, gave a presentation on the project highlighting the financial benefits associated with the project including affordable units, fully purchased new fire truck for the Fire Department, fully purchased and stocked book mobile for the City Library, creek trail improvements, property tax revenue, and other development fees. Ms. Matchniff introduced Steve Kellenberger who described the overall site design and features of the project. The applicant then presented a short animated video of the proposed project.

The Commission discussed the parking on the project site for the different uses and access to the creek trail. The Commission clarified with the applicant that the Phase I office development is complete and occupied, Phase II is under construction with the retail anticipated to open in 2016 and the office component to be under construction for about two years.

The Commission discussed with staff the terms of the Development Agreement and the related benefits and concessions of granting the approval.

The Commission inquired about the Transportation Demand Management (TDM) program. It was confirmed that an annual report would be completed by a traffic consultant to evaluate the effectiveness program.

The Public Hearing was opened.

Rebecca Vendares, representative for the Service Employees International Union, noted the housing crisis in the region and expressed appreciation for the project's inclusion of affordable housing but stated the affordability level did not go deep enough to be effective.

In a rebuttal statement, Ms. Matchniff noted that the Development Agreement offers an opportunity for off-site affordable units to reach the very-low income threshold.

The Public Hearing was closed.

The Commission expressed concern for the existing traffic conditions and the intensification of existing traffic as a result of this project.

The Commission discussed the terms of the Development Agreement, including locking-in the some of the development impact fees at today's rates. It was noted that the Development Agreement also benefits the City in that things like affordable housing and funding for public services can be required as terms of the agreement that couldn't otherwise be required. The Commission expressed appreciation for the benefits this project provides both in its location and use as well as the benefits achieved through the Development Agreement. The Commission expressed concern for the length of term of the agreement and encouraged the applicant to proceed with construction as expeditiously as possible in contrast to utilizing the full term length of the agreement.

The Commission discussed a motion to recommend approval of the environmental documents, including a revision to the Conditions of Approval that the annual report of the TDM program be reviewed by the Planning Commission. The Commission expressed concern for the overall impacts the development would have on the existing infrastructure of the City as it is ahead of the General Plan's envisioned schedule for development of this kind.

Motion/Action: The Commission motioned to adopt a Resolution to recommend that the City Council approve and certify a Final Environmental Impact Report (FEIR) and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program (MMRP) for the property located at 2600 Augustine Drive, et al, unanimously (7-0-0-0).

Motion/Action: The Commission motioned to adopt a Resolution to recommend that the City Council approve the General Plan Amendment from Light Industrial to Regional Mixed Use, and Community Commercial to Regional Mixed use, and Light Industrial to High Density Residential on a 33.4 acre site located at 2600 Augustine Drive, et al, unanimously (7-0-0-0).

The Commission discussed a motion to recommend approval of the rezoning. The Commission requested that as part of the Planning Commission annual review of the TDM program that the applicant be present for the review.

Motion/Action: The Commission motioned to adopt a Resolution to recommend that the City Council approve the Rezone from Community Commercial (CC) and Light Industrial (ML) to Planned Development to allow the development of up to 1,800 apartment units, 40,000 square feet of retail space, 4,500 square feet of leasing space, and 38,000 square feet of amenity space for the property located at 2600 Augustine Drive, et al, unanimously (7-0-0-0) with the following revised Condition of Approval:

- The annual TDM report shall be reviewed by the Planning Commission with a request for the applicant to be present for the review.

The Commission discussed a motion to recommend approval of the Development Agreement with an amended initial term of five years with the possibility of a five year extension. The Commission discussed the relation of economic cycles with the timing of the Development Agreement and deliberated on the appropriate

term length for this Development Agreement. The motion to change the term length of the Development Agreement was called to a vote and failed.

Motion/Action: The Commission motioned to adopt a Resolution to recommend that the City Council adopt an Ordinance to approve the Development Agreement, as presented in its amended form at the Planning Commission meeting, for the property located at 2600 Augustine Drive, et al, unanimously (7-0-0-0).

9. OTHER BUSINESS

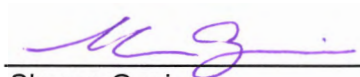
9.A. Commission Procedures and Staff Communications

- i. **Announcements/Other Items**
- ii. **Report of the Director of Planning and Inspection**
 - City Council Actions
- iii. **Commission/Board Liaison and Committee Reports**
 - Appointment of Board or Committee assignments
 - Architectural Committee
- iv. **Commission Activities**
 - Commissioner Travel and Training Reports; Requests to Attend Training
- v. **Upcoming agenda items**

10. ADJOURNMENT

The meeting adjourned at 11:07 p.m. The next Planning Commission meeting will be held on Thursday, December 10, 2015, at 7:00 p.m.

Prepared by: 
for Megan Valenzuela
Office Specialist IV

Approved: 
Sharon Goei
Acting Director of Planning & Inspection

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